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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------------|
| 10/595,018 | 04/27/2006 | Reiner Ludwig | P18220US1 | 1261 |
| 27045 | 7590 | 12/10/2008 | | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024 | | | EXAMINER ALPHONSE, FRITZ | |
| | | | ART UNIT 2112 | PAPER NUMBER |
| | | | MAIL DATE 12/10/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/595,018 | Applicant(s) LUDWIG ET AL. | |
| | Examiner FRITZ ALPHONSE | Art Unit 2112 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-45 is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/16/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in regard to the Preliminary Amendment filed on 12/16/2005.

Claim 23 is canceled. Claims 1-22, 24-45 are pending.

Information Disclosure Statement

2. The Information Disclosure Statement (IDS) submitted on 12/16/2005 has been considered by the examiner.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

4. Claims 1, is objected to because of the following informalities: the references (S1, S2, S3, Der, Aug, Red) are not clearly defined in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claim 1-22 are rejected under 35 U.S.C. 101 as being directed to method steps which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter.

Specifically, as to claim 1, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, “deriving (S1) an intermediate value (IV) from said n most recent values of said response time in accordance with a predetermined derivation procedure (Der), augmenting (S2) said intermediate value according to a predetermined augmenting procedure (Aug), reducing (S3) the current value of said time-out period according to predetermined time-out period reducing procedure (Red), determining the maximum from among at least said augmented intermediate value and said reduced current value of said time-out period, and setting a new value of said time-out period to said maximum value.” can be practiced mentally in conjunction with pen and paper. The claimed steps do not define a machine or computer implemented process (See MPEP § 2106). Therefore, the claimed invention is directed to non-statutory subject matter.

It is suggested that the applicant change the term “method” in the preamble to “computer implemented method” to overcome this rejection.

Allowable Subject Matter

6. Claim 24 is allowed.

Claim 24 contains allowable because none of the cited references either singular or in combination discloses “a retransmission element for implementing a retransmission mechanism according to which said data unit sender retransmits data units in dependence on said feedback messages, said retransmission mechanism comprising a time-out feature according to which said

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data unit sender retransmits a given data unit if said data unit sender does not receive within said time-out period a feedback message indicating the correct receipt of said given data unit, a response time determination element for implementing a response time determining mechanism for repeatedly determining a response time (RTT) indicative of the time that passes between the sending of a data unit to a given data unit receiver and the receiving of a feedback message relating to said data unit from said given data unit receiver...”.

The Prior Art of record teaches various methods and apparatus for updating the value of time-out period in a data unit sender (see PTO-892). However, none teach the use of a retransmission element for implementing a retransmission mechanism according to which said data unit sender retransmits data units in dependence on said feedback messages, said retransmission mechanism comprising a time-out feature according to which said data unit sender retransmits a given data unit if said data unit sender does not receive within said time-out period a feedback message indicating the correct receipt of said given data unit.

Claims 25-45 are allowed by virtue of dependency.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/FA/

Examiner, Art Unit 2112

December 6, 2008

/Esaw T Abraham/
Primary Examiner, Art Unit 2112